

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADELPHIA RECOVERY TRUST,

Plaintiff,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

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) No. 05 Civ. 9050 (LMM)
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**NOTICE OF INVESTMENT BANKS' MOTION
FOR SUMMARY JUDGMENT ON CLAIMS 36 & 40**

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, the accompanying Declaration of Nora K. Abularach, and all prior proceedings herein, defendants ABN AMRO Inc., Barclays Capital Inc., BMO Capital Markets Corp., BNY Capital Markets, Inc., CIBC World Markets Corp., JPMorgan Securities, Inc., Calyon Securities (USA), Inc., Credit Suisse Securities (USA) LLC (f/k/a Credit Suisse First Boston Corporation and Donaldson, Lufkin & Jenrette Securities Corporation); Deutsche Bank Securities, Inc. (f/k/a Deutsche Bank Alex Brown, Inc.), Fleet Securities, Inc., Merrill Lynch & Co., Inc., Morgan Stanley & Co. Incorporated, PNC Capital Markets LLC, Scotia Capital (USA) Inc., SunTrust Robinson Humphrey, Inc. (f/ka SunTrust Equitable Securities), TD Securities (USA) LLC (f/k/a TD Securities (USA) Inc.), The Royal Bank of Scotland PLC, Cowen and Company, LLC, and Wachovia Capital Markets, LLC (f/k/a Wachovia Securities, Inc.), by their undersigned attorneys, will and hereby do move this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for an Order of Summary Judgment dismissing Claims 36 and 40 of the Second Amended Complaint.

Dated: New York, NY
November 18, 2009

Respectfully submitted,

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